

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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LANEICE BRYANT,

Case No. 14-CV-1864 (DWF/TNL)

Plaintiff,

v.

**REPORT AND RECOMMENDATION**

CAROLYN W. COLVIN, Acting  
Commissioner of Social Security,

Defendant.

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Plaintiff Laneice Bryant brought this action on June 11, 2014, seeking review of the denial of her claim for social security benefits. She also applied to proceed *in forma pauperis* in this litigation. In an order dated June 25, 2014, this Court noted that Bryant's complaint failed to comply with the Federal Rules of Civil Procedure, and it noted that "it would be entirely appropriate to dismiss this action at this time pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii)." ECF No. 3 at 2. Rather than recommend dismissal of the complaint, however, this Court gave Bryant one opportunity to amend her complaint by no later than August 1, 2014. This Court also warned that it would recommend dismissal of this action without prejudice for failure to prosecute if Bryant failed to file an amended complaint by that date. *See* Fed. R. Civ. P. 41(b).

Over six weeks have passed since that deadline, and Bryant has not filed an amended complaint. In fact, since filing her original complaint on June 11, 2014, Bryant has not corresponded with the Court at all. It is therefore now recommended — in accordance with the Court's prior order in this case — that Bryant be deemed to have abandoned this action and that this case be dismissed without prejudice pursuant to Fed. R. Civ. P. 41(b) for failure to prosecute. *See Henderson v. Renaissance Grand Hotel*, 267 Fed. App'x 496, 497 (8th Cir. 2008)

(per curiam) (“A district court has discretion to dismiss an action under Rule 41(b) for a plaintiff’s failure to prosecute, or to comply with the Federal Rules of Civil Procedure or any court order.”).

### RECOMMENDATION

Based on the foregoing, and on all of the files, records, and proceedings herein, **IT IS HEREBY RECOMMENDED** that:

1. This action be **DISMISSED WITHOUT PREJUDICE** for failure to prosecute pursuant to Fed. R. Civ. P. 41(b).
2. Plaintiff Laneice Bryant’s application to proceed *in forma pauperis* [ECF No. 2] be **DENIED AS MOOT**.

Dated: September 16, 2014

s/ Tony N. Leung  
Tony N. Leung  
United States Magistrate Judge

*Bryant v. Colvin*  
Case No. 14-cv-1864 (DWF/TNL)

### NOTICE

Under D. Minn. LR 72.2(b) any party may object to this Report and Recommendation by filing with the Clerk of Court, and serving all parties by **October 1, 2014**, a writing which specifically identifies those portions of this Report to which objections are made and the basis of those objections. Failure to comply with this procedure may operate as a forfeiture of the objecting party’s right to seek review in the Court of Appeals. A party may respond to the objecting party’s brief within fourteen days after service thereof. All briefs filed under this rule shall be limited to 3500 words. A district judge shall make a de novo determination of those portions of the Report to which objection is made. This Report and Recommendation does not constitute an order or judgment of the District Court, and it is therefore not appealable directly to the Eighth Circuit Court of Appeals.